

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARLENE DEROCHER,

Plaintiff

V.

NANCY A. BERRYHILL,

Defendant

Case No.: 2:17-cv-02401-APG-WGC

**Order Accepting Report and
Recommendation, Denying Motion to
Remand, and Granting Motion to Affirm**

[ECF Nos. 20, 23, 29]

On January 31, 2020, Magistrate Judge Cobb recommended that I grant plaintiff Darlene Derocher’s motion to remand for a finding of disability and calculation and award of benefits and deny defendant’s motion to affirm. ECF No. 29. The defendant did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Cobb's report and recommendation (**ECF No. 25**) is **accepted**, plaintiff Darlene Derocher's motion to remand (**ECF No. 20**) is **GRANTED**, and the defendant's motion to affirm (**ECF No. 21**) is **DENIED**. This action is remanded to the administrative law judge for a finding of disability and calculation and award of

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1 benefits consistent with the report and recommendation and this order. The clerk of court is
2 instructed to close this case.

3 DATED this 19th day of February, 2020.

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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